IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE SEVENTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE R.SUBHASH REDDY

WRIT PETITION NO : 4414 of 1994

Between:

M/s K.Venkateswarlu & Co Contractors, Plot No.146
Phase-III, Kamalapuri Colony Hyderabad, rep.by its Managing Partner
K.Venkateswarlu

..... PETITIONER

AND

1 The State of Andhra Pradesh rep.by its Prl. Secretary
Irrigation & CAD Department Secretariat, Hyderabad
2 The Superintendent Engineer I & CAD, Sreeramsagar Project
Construction Circle, Huzurabad - 505 498
3 The Executive Engineer I & CAD
Sreeramsagar Project, Div.No.3 K.C.Colony, Chintagattu
Hanumakonda-506 015 Warangal Dist
4 Manager Union Bank of India
Saifabad, Hyderabad

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ, order more particularly one in the nature of writ of prohibition under Art.226 of Constitution of India prohibiting the 2nd respondent from enforcing the Bank Guarantee Nos.101, 102,103 and 104 of 1989, Dt.2/1/89 and 143/88, Dt.14/12/1988 issued by the 4th respondent for recovery of closing bill (LS.No.37) arrears Rs.6,45,998/- as claimed by the 2nd respondent through his letter No.SE/CCH/AB/A4/1750, Dt.08/03/1994 and to direct the 2nd respondent for the return of bank guarantees on receipt of last installment as shown in repayment schedule enclosed to the Government Memo No.17600/SRSP II(2)/92-6 Dt.08/10/1993.

Counsel for the Petitioner: MR.P.KRISHNA REDDY

Counsel for the Respondents 1 to 3: GP FOR IRRIGATION & COMM AREA DEV.

Counsel for Respondent No.4: Mr.M.V.Durgaprasad.

The Court made the following :

HONOURABLE SRI JUSTICE R.SUBHASH REDDY

WRIT PETITION NO.4414 OF 1994

ORDER:

This writ petition is filed seeking a writ of prohibition to prohibit the second respondent from enforcing the bank guarantee Nos.101 to 104 of 1989 dated 2.1.1989 and No.143/88 dated 14.12.1988.

It is stated by the counsel for the respondent that the bank guarantees were already enforced. In that view of the matter, the relief as sought for in this writ petition, cannot be granted and the writ petition is liable to be dismissed.

Accordingly, the writ petition is dismissed. However, it is open for the petitioner that if the bank guarantee is wrongly enforced, it is open for him to take appropriate steps.

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(JUSTICE R.SUBHASH REDDY)

Dt.07.02.2005.

Mdaa.

Copy to:

1 The State of Andhra Pradesh rep.by its Prl. Secretary
Irrigation & CAD Department Secretariat, Hyderabad
2 The Superintendent Engineer I & CAD, Sreeramnagar Project
Construction Circle, Huzurabad - 505 498
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5. Two C.Cs to G.P.for Irrigation and Command Area Development, High Court of A.P., Hyderabad (OUT).

6. Two C.D.copies.